

In re: PETER A. LANG, d/b/a SAFARI WEST.
AWA Docket No. 96-0002.
Order Lifting Stay.
Filed April 2, 2002.

Colleen A. Carroll, for Complainant.
Respondent, Pro se.
Order issued by William G. Jenson, Judicial Officer.

On January 13, 1998, I issued a Decision and Order: (1) concluding Peter A. Lang, d/b/a Safari West [hereinafter Respondent], violated section 2.131(a)(1) of the regulations (9 C.F.R. § 2.131(a)(1)) issued under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) [hereinafter the Animal Welfare Act]; (2) assessing Respondent a \$1,500 civil penalty; and (3) ordering Respondent to cease and desist from failing to handle animals as expeditiously and carefully as possible, in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. *In re Peter A. Lang*, 57 Agric. Dec. 59, 70, 91 (1998).

On June 30, 1998, Respondent filed a Motion for Stay pending the outcome of proceedings for judicial review. On July 1, 1998, I granted Respondent's request for a stay pending the outcome of proceedings for judicial review. *In re Peter A. Lang*, 57 Agric. Dec. 1275 (1998) (Stay Order).

The United States Court of Appeals for the Ninth Circuit affirmed *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998). *Lang v. United States Dep't of Agric.*, 189 F.3d 473, 1999 WL 512009 (9th Cir. 1999) (Table). Respondent filed a petition for rehearing *en banc* which the United States Court of Appeals for the Ninth Circuit denied. *Lang v. United States Dep't of Agric.*, No. 98-70807 (9th Cir. Jan. 28, 2000) (Order). Neither the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter Complainant], nor Respondent sought further judicial review of *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998). Neither Complainant nor Respondent requested that I lift the July 1, 1998, Stay Order. On March 4, 2002, I issued an Order to Show Cause why I should not lift the July 1, 1998, Stay Order and make effective the Order in *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998). *In re Peter A. Lang*, 61 Agric. Dec. ____ (Mar. 4, 2002) (Order to Show Cause).

On March 20, 2002, Complainant filed "Complainant's Response to Order to Show Cause" in which Complainant states "[t]here is no cause why the July 1, 1998, Stay Order should not be lifted immediately, and the order in *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998), not be made effective." Respondent failed to file a response to the March 4, 2002, Order to Show Cause. On April 1, 2002, the Hearing Clerk transmitted the record to the Judicial Officer to consider whether to lift the July 1, 1998, Stay Order and make effective the Order in *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998).

Proceedings for judicial review of *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998), are concluded. Neither Complainant nor Respondent has shown cause why I should not lift the July 1, 1998, Stay Order and make effective the Order in *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998). Therefore, the Stay Order issued July 1, 1998, is lifted and the Order issued in *In re Peter A. Lang*, 57 Agric. Dec. 59 (1998), is effective as follows:

ORDER

1. Respondent, Peter A. Lang, doing business as Safari West, is assessed a civil penalty of \$1,500. The penalty shall be paid by certified check or money order, made payable to the Treasurer of the United States, and forwarded to:

Colleen A. Carroll
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Respondent's payment of the civil penalty shall be forwarded to, and received by, Ms. Carroll within 65 days after service of this Order on Respondent. The certified check or money order should indicate that payment is in reference to AWA Docket No. 96-0002.

2. Respondent, Peter A. Lang, doing business as Safari West, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device, shall cease and desist from violating the Animal Welfare Act and the regulations issued under the Animal Welfare Act, and, in particular, shall cease and desist from failing to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

The cease and desist provisions of this Order shall become effective on the day after service of this Order on Respondent.
